

## CHAPTER 2A

### REAPPORTIONMENT IMPLEMENTATION ACT

|       |                                   |       |  |
|-------|-----------------------------------|-------|--|
| 2A.01 | Citation.                         | 2A.07 | Court order or change in congressional representation. |
| 2A.02 | Appointment.                      | 2A.08 | Compensation.  |
| 2A.03 | Commencement of duties; meetings. | 2A.09 | Dissolution.   |
| 2A.04 | Removal of commission member.     | 2A.10 | Publication of report.                                 |
| 2A.05 | Administrative support.           | 2A.11 | Judicial review.                                       |
| 2A.06 | Apportionment plan.               | 2A.12 | Duties of attorney general.                            |

NOTE: Chapter 2A is effective upon the ratification of the constitutional amendment proposed in Laws 1980, Chapter 588, Section 1. See Laws 1980, Chapter 588, Section 17.

#### 2A.01 CITATION.

Sections 2A.01 to 2A.12 may be cited as the "Reapportionment Implementation Act".

**History:** 1980 c 588 s 3

#### 2A.02 APPOINTMENT.

Subdivision 1. For the purpose of Article XV, Section 1 of the Minnesota Constitution "political party" means the political party or political principle by which a legislator was designated on the general election ballot when the legislator was last elected.

Subd. 2. Not more than five members of the commission shall be residents of the metropolitan area as defined in section 473.121, subdivision 2 and not more than five shall be residents of the area consisting of the remainder of the state.

Subd. 3. Except for the members appointed pursuant to subdivision 5, no individual shall be appointed or shall serve as a member of the commission who:

(a) Holds or has held within two years prior to appointment an elected or appointed office in the executive, judicial or legislative branch or in an independent agency of the federal or state government;

(b) Is or has been within two years prior to appointment an officer of a campaign committee of a candidate for state or federal office or an officer of a political party other than a precinct officer;

(c) Is an employee of the legislature or congress;

(d) Is a member of the immediate family of a legislator or representative in congress. "Member of the immediate family" means father, mother, son, daughter, brother, sister, spouse, ex-spouse or member of the same household; or,

(e) Is or has been within two years prior to appointment a lobbyist as that term is defined by section 10A.01, subdivision 11.

Subd. 4. Except for members appointed pursuant to subdivision 5, no individual appointed as a member of the commission shall remain a member if he becomes a candidate for any elective state or federal office.

Subd. 5. Not later than January 15 of each year ending in the number one the secretary of state shall request the legislators who are authorized by the constitution to appoint members to serve on the commission to certify the names of their appointees. The representatives representing political parties other than the party represented by the speaker of the house and the senators representing political parties other than the party represented by the president of the senate shall convene during the ten days following the request of the secretary of state, at a time and place directed by the secretary, to appoint members of the commission. The secretary of state shall preside at these conventions. The names of

all legislative appointees shall be certified to the secretary of state not later than the following February 1. If a certification is not received within the required time, the secretary of state shall notify the chief justice of the supreme court that there is a vacancy on the commission. Within ten days after notification the supreme court shall fill the vacancy and certify the name of the appointee to the secretary of state.

Subd. 6. Not later than March 15 the commission members whose appointments have been certified pursuant to subdivision 5 shall appoint the five remaining members by unanimous agreement and certify the names to the secretary of state. When a certificate is not received within the required time, the secretary of state shall notify the chief justice that there is a vacancy. Within ten days after the notification the supreme court shall appoint the necessary number of members and certify their names to the secretary of state.

Subd. 7. Vacancies other than those resulting from a failure to appoint a member within the time provided by law shall be filled by the appointing authority that made the original appointment within five days after the vacancy occurs. If the vacancy is not filled within five days the supreme court shall fill the vacancy.

**History:** 1980 c 588 s 4

### 2A.03 COMMENCEMENT OF DUTIES; MEETINGS.

Subdivision 1. The secretary of state shall select a time and place of the first meeting of the commission, which shall not be later than April 1 of the year ending in one, and shall notify the commission members of the time and place selected. Before beginning to exercise their official duties the members of the commission shall take an oath in the form required for other state officers. The secretary of state shall preside at the meeting until the election of a permanent presiding officer. The commission shall elect a presiding officer and other officers as it shall find necessary.

Subd. 2. The commission, after notice and opportunity for public comment, may adopt and publish procedures necessary to carry out its duties. Chapter 15 does not apply to these procedures.

Subd. 3. The commission shall meet upon the call of either the presiding officer or a majority of the members of the commission. The proceedings of the commission are open to the public. The commission shall give public notice of its proceedings and shall keep minutes and audio recordings of those proceedings. All materials submitted to or developed by the commission, together with the minutes and audio record of its proceedings shall be preserved and made available for public inspection and copying. The commission may administer oaths to individuals appearing before it.

Subd. 4. A majority of the members of the commission constitutes a quorum to conduct business. At any meeting of the commission at which a quorum is present, a majority of those present may compel the attendance of absent members. The attendance of absent members may be compelled in the manner that either the senate or house of representatives provide for their members.

**History:** 1980 c 588 s 5

### 2A.04 REMOVAL OF COMMISSION MEMBER.

Any member of the commission may be removed from the commission by the supreme court upon petition filed by any eligible voter. The member may be removed after a hearing and upon a finding by the supreme court, by a preponderance of the evidence, that the member:

- (a) Has been convicted, during his membership, of a gross misdemeanor or felony;
- (b) Is unqualified to serve under the provisions of section 2A.02, subdivision 3 or 4;
- (c) Is physically or mentally incapable of serving; or
- (d) Is unwilling to serve.

It is prima facie evidence that a member is unwilling to serve if he fails to attend three successive meetings of the commission or fails to attend a total of six meetings of the commission. Upon removal, the position shall be filled in the manner provided for filling vacancies. An individual who is removed from the commission pursuant to this section may not be reappointed to the commission.

**History:** 1980 c 588 s 6

#### 2A.05 ADMINISTRATIVE SUPPORT.

The presiding officer of the commission shall supervise the staff of the commission. The secretary of state, commissioner of administration, attorney general and revisor of statutes shall make available the personnel, facilities, technical services and other assistance requested by the commission. The commission may employ or contract for the services of other staff personnel.

**History:** 1980 c 588 s 7

#### 2A.06 APPORTIONMENT PLAN.

Subdivision 1. An apportionment plan adopted by the commission shall include:

- (a) A written description of each district drawn by the commission;
- (b) A map of each district showing the name and location of each public road and each local governmental unit boundary in the district in a scale that allows precise location of the district boundaries;
- (c) A map of the state showing all of the districts drawn by the commission;
- (d) A statement of the deviation in population of each district from the average population of all districts of that kind;
- (e) A justification of any population deviation described in clause (d) which exceeds one-half of one percent for a congressional district or five percent for legislative districts;
- (f) An explanation of the standards used by the commission to draw the districts; and
- (g) Any other information which the commission deems relevant to the plan.

Subd. 2. An apportionment plan shall be adopted not later than September 1 of the year in which the commission is established. When an apportionment plan adopted by the commission is remanded by the supreme court or by a federal court, the commission shall adopt an amended plan consistent with the finding of the court not later than 30 days after the original plan is remanded.

Subd. 3. The commission shall file the original or any amended plan with the secretary of state within five days of its adoption.

Subd. 4. Any commission members in the minority may prepare a minority report which shall be published with the plan adopted by the commission.

**History:** 1980 c 588 s 8

**2A.07 COURT ORDER OR CHANGE IN CONGRESSIONAL REPRESENTATION.**

Subdivision 1. When a commission is not otherwise constituted and either the number of the state's representatives in congress is changed by federal law or a federal court order requires adoption or amendment of an original apportionment plan, a commission shall be established and shall draw the congressional district boundaries or amend the plan.

Subd. 2. The supreme court shall set a timetable for establishing a reapportionment commission and drawing the boundaries or amending the plan. The timetable shall be consistent with the time provided for adoption of an apportionment plan pursuant to section 2A.06, subdivision 2, as far as practicable.

**History:** 1980 c 588 s 9

**2A.08 COMPENSATION.**

Members of the commission who are not paid a salary by the state shall be compensated at the rate provided by section 15.059, subdivision 3, for members of advisory councils and committees. Members shall be compensated for their actual and necessary expenses incurred in carrying out their duties on the commission in the same manner and amount as other state employees.

**History:** 1980 c 588 s 10

**2A.09 DISSOLUTION.**

The commission shall conclude its business and dissolve when:

(a) 30 days have passed from the adoption of an original, unamended apportionment plan without the filing of any petition for review by the supreme court and all legal actions concerning the plan which are known at that time have been decided; or

(b) The commission has adopted an amended apportionment plan after remand by a court and has completed its duties under section 2A.10; or

(c) The commission has failed to adopt a plan or amended plan within the time required by law.

The conclusion of business shall include preparation of the official record of the commission and a financial statement disclosing all expenditures made by the commission. The official record shall contain all information developed by the commission pursuant to carrying out its duties including records of public hearings, data collected, minutes and audio recordings of hearings and meetings, and other information of a similar nature. The official record shall be submitted to the secretary of state who shall provide for its preservation.

**History:** 1980 c 588 s 11

**2A.10 PUBLICATION OF REPORT.**

Subdivision 1. Promptly after the adoption of an apportionment plan the commission shall:

(a) Prepare and transmit a copy of the plan to each county auditor;

(b) Prepare and transmit a summary of the plan to each newspaper of general circulation and each radio and television station in the state; and

(c) Prepare sufficient copies of the plan and the summary for inspection, copying and purchase by the public.

Subd. 2. The summary shall contain:

(a) A map showing all the new districts in the state;

(b) Separate maps showing the districts in the principal area served by the newspaper, radio or television station;

(c) A statement of the population of each district;

(d) A statement of the percentage variation of each district from the average population of other districts of the same kind; and

(e) An indication of where a copy of the final report of the commission may be examined or purchased and its purchase price.

**History:** 1980 c 588 s 12

### 2A.11 JUDICIAL REVIEW.

Subdivision 1. An action to review an original or amended apportionment plan adopted by the reapportionment commission shall be commenced by petition to the supreme court within 30 days of the date the plan is filed with the secretary of state. The petition shall set forth the facts and the law on the basis of which petitioner believes the plan does not comply with the provisions of the United States Constitution, the Minnesota Constitution or other provisions of law. A copy of the petition shall be served upon the commission and upon the attorney general. The court shall hold hearings upon the petition and shall render its opinion on an original unamended plan of the commission within 60 days of the date that the petition to review the plan is filed. The court shall render its opinion on an amended plan of the commission within 30 days of the date the petition to review the amended plan is filed.

Subd. 2. If the court finds that an original, unamended plan of the reapportionment commission is invalid because it does not comply with constitutional or legal requirements, the court shall specify the reasons for its finding and immediately remand the plan to the commission for amendment. If the court retains jurisdiction of an action to review an apportionment plan when the plan is remanded to the commission, the court shall render its opinion on any amended plan within 30 days after the date the amended plan is filed with the secretary of state.

Subd. 3. If a federal court finds that an original unamended plan of the reapportionment commission is invalid because it does not comply with constitutional or legal requirements, and the court permits the commission to redraw the boundaries with consideration to the court's findings and conclusions, the plan shall be remanded to the commission for amendment.

Subd. 4. If the commission fails to adopt an apportionment plan or an amended plan within the time provided by law, or an amended plan adopted by the commission is found invalid upon review by the supreme court or by any federal court, the supreme court shall adopt its own reapportionment plan in accordance with the requirements of Article XV, Section 2, of the Minnesota Constitution. The court shall hold at least one public hearing before adopting or amending a plan. An apportionment plan adopted or amended by the supreme court shall be in the form prescribed for a plan adopted by the commission. The court shall adopt the plan or amended plan and file it with the secretary of state not later than 60 days from the date on which the amended plan was declared invalid, or the date on which the plan or amended plan was required to be adopted by the commission. The secretary of state shall perform the duties provided in section 2A.10 with respect to an apportionment plan adopted by the court.

**History:** 1980 c 588 s 13

### 2A.12 DUTIES OF ATTORNEY GENERAL.

The attorney general shall represent the commission and shall defend the apportionment plan adopted by the commission in any action to review the plan in the supreme court. He shall represent the state and shall defend the apportionment plan adopted pursuant to Article XV of the Minnesota Constitution

and sections 2A.01 to 2A.12 in any action to review the plan in a federal court. In any action in federal court, the attorney general shall request the court to expedite the proceedings.

**History:** *1980 c 588 s 14.*